



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARTURO MEDINA,

Petitioner,

- against -

PHIL MELECIO, *Superintendent*,

Respondent.
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23-CV-1495 (KPF) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On April 4, 2023, Petitioner filed a letter motion requesting that this matter be stayed so that Petitioner can pursue unexhausted claims in state court. (Dkt. 9.) Respondent asserts that at the time Petitioner filed the petition in this action, he had already fully litigated two motions to vacate the judgment at issue pursuant to CPL 440.10 as well as a direct appeal. (Dkt. 11.) Respondent also notes that Petitioner is not seeking to exhaust any of the claims asserted in the instant petition. (*Id.*) Petitioner submitted a reply that largely duplicates his initial filing and does not engage with Respondent's arguments. (Dkt. 16.) Having duly considered the parties' arguments and prior proceedings, and having liberally construed Petitioner's pleadings in light of his pro se status, the Court finds that Petitioner has not demonstrated good cause for a stay, and denies the motion for substantially the reasons set forth in Respondent's opposition at Dkt. 11. Respondent shall proceed with answering the petition.

The Clerk of Court is respectfully requested to mail a copy of this order to the Petitioner, note service on the record, and terminate the motion at Dkt. 9.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: May 17, 2023
New York, New York

Copies transmitted this date to all counsel of record.